

# **In the United States Patent and Trademark Office**

In re the Application of:

Carl Phillip Gusler	)	
Serial Number: 09/864,113	)	Group: 3625
Docket Number: AUS920010251US1	)	Examiner: Yogesh C. Garg
Filed on: 5/24/2001	)	
For: "Online Shopping Mall Virtual	)	
Association"	)	

## **REPLY BRIEF**

### ***in the First Reinstatement of the Appeal***

Appellants maintain all arguments presented in the Appeal Brief. Appellants, however, wish to reply to a portion of the remarks and arguments provided in the Examiner's Answer dated 11/20/2006.

#### **Meaning of "Previously Disassociated"**

Appellants' claim regarding this term is consistent with both the commonly used definition of "previous" and "disassociated".

Appellants employ of this term is not only consistent with the disclosure and the examples provided therein, but also it is consistent with the prosecution history relative to the five previous Office Actions, dated 3/1/2004, 7/27/2004, 12/27/2004, 7/7/2005, and 12/15/2005, drafted by the previous Examiner, Mr. Rhode.

Appellants merely ask that the term "previously disassociated" be afforded its conventional meaning in interpretation of the claim, and ask for the Examiner to acknowledge the fact that the Odigo reference specifically states that their People Finder function only finds users who are already members of Odigo.

Perhaps another aspect of the argument to consider is that in Appellants' claims as originally filed, the final step or element of the claims was to "automatically associate" two shoppers with each other. If they were already associated, per the standard definition of being associated, this step would have been redundant or would have had no net effect on the shoppers'

relationship to each other.


Given these aspects of the argument and prosecution history, there can only be one conclusion that Odigo teaches finding of "previously associated" users, and thus Appellants claims are patentably distinguished over Odigo. Thus, Appellants request the rejections to be reversed.

#### **Enablement of the References**

Appellants have challenged the references "Surfing" and "Odigo" for lacking sufficient detail or information to enable one of ordinary skill in the art to *make* their invention, not just how to *use* their technology. "Surfing" and "Odigo", considered alone or in combination, are limited to disclosure of features, benefits, and brief statements of use of their technology, but do not disclose the processes underlying those features, benefits, or apparent operations.

Appellants request reversal of the rejections on this basis as well.

Respectfully,

A handwritten signature in black ink, reading "Robert Frantz". The signature is written in a cursive, flowing style. It is flanked by two large, stylized forward slashes (/) on either side.

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